EXHIBIT C

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1
           IN THE UNITED STATES DISTRICT COURT
          FOR THE NORTHERN DISTRICT OF ILLINOIS
2
                   EASTERN DIVISION
    DAVID A. DEWAR,
4
                 Plaintiff,
                               ) No. 16 CV 2287
5
    VS.
    OFFICERS T.J. FELMON, M.K. )
6
    DEVINE and SUPERVISOR C.J. )
7
    LONG and CHICAGO POLICE )
    DEPARTMENT,
8
             Defendants. )
9
10
             The deposition of DAVID A. DEWAR, taken
   pursuant to the Federal Rules of Civil Procedure,
11
   before Kathleen A. Hillgard, Certified Shorthand
12
   Reporter No. 084-004093, at 30 North LaSalle
13
   Street, Suite 900, Chicago, Illinois, on Thursday,
14
   May 11, 2017, commencing at 10:04 p.m. pursuant to
15
   notice.
16
17
        APPEARANCES:
18
             MR. DAVID A. DEWAR
             (11347 South Millard Avenue
19
              Chicago, Illinois 60655
              773.445.5340
20
              ddewar@hotmail.com)
                appeared pro se;
21
22
23
24
```

| 1 APPEARANCES: (Cont'd) | Page 2 |
|--|--------|
| 2 HONORABLE EDWARD N. SISKEL | |
| CORPORATION COUNSEL, by MS. KELLY C. BAUER Assistant Corporation Counsel | |
| 4 MS. BARRETT ELIZABETH BOUDREAUX Senior Counsel | |
| 5 (30 North LaSalle Street, Suite 900 Chicago, Illinois 60602-2502 | |
| 6 312.742.9586 kelly.bauer@cityofchicago.org | |
| 7 barrett.rubens@cityofchicago.org) appeared on behalf of the defenda | ants. |
| * * * * * | |
| 9 | |
| 10-11-26-13-3 | |
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| 13 SUJEREL BYACK OF BE LEGEOV-PED ON THE THE POSSES | |
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| 17 - 125 MA-1A3 WA | |
| 18- | |
| 19 DENTE DESCRIPTION | |
| | |
| 21 | |
| 22 | |
| 23 | |
| 24 | |

| | The state of the s | |
|----|--|-------------------|
| 1 | INDEX | Page 3 |
| 2 | Witness: | Page |
| 3 | DAVID A. DEWAR | |
| 4 | Examination by: | |
| 5 | Ms. Bauer | 4 |
| 7 | | |
| 8 | | |
| 9 | ЕХНІВІТЅ | |
| 10 | No. Description | Marked/Referenced |
| 11 | 1 Answers to Interrogatories | |
| 12 | 2-7 Photographs | |
| 13 | (Exhibits attached/scanned.) | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | = | |
| 19 | | |
| 20 | | |
| 21 | | |
| 23 | | |
| 24 | | |
| | | |

| 1 | Q. Okay. Do you have a middle name? |
|----|--|
| 2 | A. Yes. A for Andrew. |
| 3 | Q. Okay. Is that common spelling? |
| 4 | A. Pardon? |
| 5 | Q. Is that common spelling for Andrew? |
| 6 | A. Yes, common spelling for Andrew. |
| 7 | Q. Have you ever been deposed before? |
| 8 | A. No. This would be the first time. |
| 9 | Q. Are you currently represented by |
| 10 | counsel today? |
| 11 | A. No, I am not. |
| 12 | Q. Okay. I have a couple questions I ask |
| 13 | everyone. Please don't take offense. |
| 14 | Do you understand that you are under |
| 15 | oath? |
| 16 | A. Yes. |
| 17 | Q. And what does that mean to you? |
| 18 | A. To tell the truth on all questions and |
| 19 | their full and, you know, full length to the |
| 20 | best of my knowledge. |
| 21 | Q. Okay. And are you currently under the |
| 22 | influence of alcohol? |
| 23 | A. No. |
| 24 | Q. Are you currently under the influence |
| | |

```
Page 6
1 of any illegal drug?
2
       Α.
           No.
    Q. Are you on any medication that would
3
  prevent you from testifying fully and accurately
4
  today?
5
    A. No.
6
7
  Q. Is there any reason that you can think
  of that you would not be able to give truthful and
8
9
  complete testimony today?
10
      A.
           No.
           All right. I'd also like to go over a
11
       Q.
12
  few ground rules. You heard these when you came in
  with your mother.
13
14
   A. Yes.
      Q. But if you do not understand a
15
  question, please let me know, and I will try to
16
  rephrase it. Okay?
17
  A. Okay.
18
  Q. And if you answer my question, I'm
19
20
  going to assume that you understand that question.
  A. Okay.
21
           Now, if you don't hear a question, let
22
       Q.
  me know, and I can repeat it. Okay?
23
24 A. Okay.
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```
Page 7
       Q. And please answer every question out
   loud so that the court reporter can take it down.
 3
        A. Okay.
 4
   Q. And please wait until I finish my
   question before you give your answer so the court
 5
   reporter can get everything we say down.
6
   A. Okay.
7
             All right. Now, we can also take
8
        0.
   breaks. The only thing that I ask is if I've just
9
   asked you a question, that you give an answer
10
   before we take a break. Okay?
11
12
             Okay.
        A.
     Q. All right. What was your address in --
13
   at the time of the event?
14
   A. 11347 South Millard Avenue in Chicago,
15
16
   Illinois, 60655.
   Q. How long have you lived there?
17
18
        A. I've lived there for the full duration
19
   with my mother for 33 years, since 1984.
20
        Q. Did you live anywhere else prior to
21
   that?
22
             Actually, there were. For a short
   time, I lived in an address on 8229 South Troy for
23
24
   maybe about a year, actually, and I believe that
```

```
Page 8
1 was in '91, '92, come to think of it. So actually
2 that would be 32 years at Millard and maybe about
3
   one year at 82nd -- 9229 South Troy.
   Q. Okay. Have you lived anywhere else
   besides those two addresses?
5
       A. No.
6
7
            Did you live with anyone else there?
        0.
       A. Yes.
8
9
   Q. Who else did you live with?
   A. The property owner, his name was Tom
10
11
   Gurskis, and tenant named Todd Johnson. Those were
12
   the two I lived at 8229 South Troy.
   Q. Okay. Could you spell Gurskis?
13
14
       A.
            Sure. It's G-u-r-s-k-i-s.
15
   Q. Okay. And who was the other person
16
   besides him?
17
     A. Todd Johnson. And he was a tenant like
   myself, and Gurskis was the home owner.
18
19
        Q. Okay. What year were you born?
  A. 1964, October 20th, 1964.
20
21
       0.
            Okay. So how old were you when you
22
   were living there in '91 and '92?
  A. Well, I'd be 27 to 28.
23
   Q. Oh, I see. Okay.
24
```

```
Page 9
                   And why did you live there for that
 1
 2
    period of time?
 3
          A.
                I was employed at a place closer to,
 4
    you know, that residency. I was employed at a --
    because I have a stationary engineer's license. I
 5
    had just acquired -- and, actually, you know what,
 6
    the years were '92 to '93. Excuse me.
 8
          0.
                Okay.
                Yeah. I'm trying to go back. I want
 9
          Α.
10
    to give you an accurate account. So I just
    received -- that's one of the licenses that I put
11
12
    into my interrogatory, you know, as far as some of
    the things I have.
13
14
                   And I had got a position at the time
    at -- employment on 47th and Kedzie. Troy is one
15
16
    block east of Kedzie, so it was closer in proximity
17
    to my employer at the time.
18
          0.
                Okay. And how long did you work there?
19
          A.
                I was there for about a year and a
20
    half.
               Okay. And who was your employer at the
21
          Q.
2.2
    time?
23
                It's called Excell Laboratories.
          Α.
24
    They're no longer there. That was an industrial
```

```
Page 51
   windows; and if you can try not to, I'd be
1
   appreciative. You know, with -- very diplomatic.
2
3
   And then he -- I had the Bluetooth in my right ear.
   And he said, Are you recording me?
4
   And I said, No, I'm not recording you. And then he
5
   said, You threatened to kick my ass. Right after I
   said that, he said, You threatened me.
   Q. Did you threaten him?
8
   A. No, no.
  Q. Okay. So why would he say that?
   A. Pardon?
             Why would he say that then?
12
        0.
          I have no idea. Now, the thing is,
13
  Α.
   I -- I believe because of the history of -- with
14
   his son, which I went into, 2011. Just my
15
   assumption. I can't prove it. I just -- you asked
16
   me a question what I think. I think it might be
17
18
   revenge. I don't know.
    But also too, Mr. Hosty, William
19
   Hosty, he works closely with some of the political
20
   people, and he works closely with -- it could be
   the -- it was the perfect storm to nail me.
  Q. What do you mean by political people?
23
   What do you mean?
24
```

```
Page 52
         A. Matt O'Shea, the 19th Ward alderman.
 1
   Fran Hurley, the 35th District State
 3
   Representative. He works closely with all of them.
 Q. Okay. What does he do with them? Does
 5 he work with them?
   A. He campaigns with -- for Fran Hurley.
 7
   She's a 35th District State Representative. And
 8
   I'm an election judge, so I've worked it four
          I'm a republican judge, and he works with
 9
10
   the democrat judges. And he basically has, let's
11
   just say, favor with him, Fran; and also with Matt
12
   O'Shea, the 19th Ward alderman.
13
   So, you know, anyhow, it was so
14
   convenient for the police to take his side and not
15
   even consider our side, which we'll get into. So I
16
   can speculate that, but as far as him saying, You
17
   threatened to kick my a-s-s, that's -- could be an
18
   assumption.
19
   But the point is, he made the
20
   threat, and I did not threaten him in no means or
21
   matter. As a matter of fact, I was very reluctant
22
   to talk to him because my instinct told me, This is
   not going to go well. But I did what my mom asked
23
24
   and that -- that was the result. So he said I
```

```
Page 53
1 threatened him.
2 At the time, you can see the house,
   and here's --
   O. Pointing to Exhibit 3.
4
   A. So Exhibit 3 shows where I was
   standing. You can't see the garbage can, but I was
6
   standing here. His daughter at the time right
   after he said I threatened him, she was in the
8
   doorway. But the door was closed. So there's no
9
   way she could have heard it. That's a glass door.
10
11
   He signaled to her after he claimed I threatened
   him. She opened the door, and he said, Call the
12
   police.
13
        Q.
            Okay.
14
   A. So I believe Jennifer Hosty, his
15
   daughter-in-law, John, his son's wife, made the
16
   call, I'm assuming, to the Chicago Police
17
   Department.
18
   Q. Okay. So was the front door closed or
19
   just the glass screen door there?
20
            Actually, very interesting question.
21
   As -- as right after he made the threat, she was
22
23
   like proceeding to open up the front door.
24
        Q. Okay.
```

```
Page 54
 1
             So she was like -- so based on that,
 2
  there's no way that she could have heard it. She
 3
   was just -- you know. He made the threat. Boom.
 4
   She opens up the front wooden door. And then he
 5
   signals her, and she opens up the glass door, and
6
   says, Call the --
   Q. What threat did he make against you?
7
   You said he made the threat. What threat?
   Α.
            Who, William Hosty?
10 Q. Yeah. You just said that he made the
11 threat?
12 A. No, no, no. He didn't make a threat
13
   against me. He claimed I threatened him.
14
        0.
             I see.
       A. He claims I -- he made no threat
15
16
   against me. He made the allegations that I
   threatened to kick his -- you know, his a-s-s.
17
18
               And at that point, what I did is I
   immediately retreated. So I immediately went onto
19
20
   our property. So I went in front of the house into
21
   the driveway. Okay.
22
   Now, for whatever reason --
23
       Q. Into your driveway, right?
24
             Correct, into my driveway.
        Α.
```

```
Page 55
 1
          Q.
                Okay.
 2
          Α.
                And I went into the gated area. So
 3
    there's a gate there, and I went into the gate,
 4
    which I was right near the side door. Because I
    was kind of freaking out. I was like, Oh, my
 5
    goodness. You know, I was kind of in shock.
 6
 7
                   So, like I said, I approached him
 8
    about 6:24, 6:25 p.m. And then when I went into
 9
    the side of my prop- -- or my mom's property into
10
    the gate, closed the gate, I was outside the side
11
    door.
12
                   And then what I did is at that
13
    point, I called the 22nd District Chicago Police
14
    Department.
15
          0.
               Okay.
16
          A .
                312.745.0570. Unfortunately, I know
17
    the number.
18
                   So I called them, and I talked to
    the front desk person. And I said, I'm here at
19
20
    11347 Millard, you know, Mr. Hosty, he doesn't live
21
    there. He claimed I threatened to kick, you know,
22
    a-s-s, and it was all about blowing the snow. And
23
    they said, We can't help you. Call 911.
24
                   So immediately at 6:27, a minute --
```

```
Page 61
               Tried to change out of my wet clothes,
 1
   so it was -- I had layers and layers of clothes.
   Because it was freezing and we got, you know,
   15, 18 inches of snow on February 17th, 2014, on a
 4
 5
   Tuesday.
      So as I was taking the clothes off,
 6
 7
   she was -- we had the conversation on, I can't
   believe he said I threatened him. She was all
 8
   upset. The police are going to be coming out. We
 9
   know how he has political pull. Oh, no. And I was
10
   like, Yeah, this is not good.
11
                  So anyhow, as I was trying to get
12
   out of my clothes and my layers, I still had on a
13
   wet T-shirt, wet pants, wet socks, and there was
14
    the pounding on the door. I'm like, Here we go.
15
   Boom, boom, boom.
16
         Now, I looked at the complaint, and
17
    if I'm not -- if I'm not mistaken, did the -- well,
18
    I don't know if it said on there, if my memory's
19
    right, that the police said they did not knock on
20
    the door, but they knocked on the door very loud,
21
    Officer Felmon and Officer Devine.
22
             So anyhow, we went upstairs and went
23
24
    to approach the front door to answer, me and my
```

| 1 mom. Okay? | Page 62 |
|---|---------|
| 2 Q. Okay. So the side door that you're | |
| 3 referring to when you went through that, that g | oes |
| 4 down to the basement? | |
| 5 A. Yes. | |
| 6 Q. Okay. So you came up from the | |
| 7 basement? | |
| 8 A. Came up from the basement up to the | |
| 9 main level of the house, and then our living | |
| 10 room you have to go to the kitchen through t | he |
| 11 living room to the front door. | |
| 12 Q. Okay. | |
| A. And that's where we went to meet | |
| 14 Officer Felmon and Officer Devine. | |
| Q. Okay. And how many times did they | |
| 16 pound on the door? | |
| 17 A. Two or three times. We were in the | |
| 18 basement, so | |
| 19 Q. So did you hear it or not? | |
| A. Yeah, we heard it. | |
| 21 Q. Okay. | |
| A. Sure. | |
| Q. So it was two to three times? | |
| A. Yeah. | |
| | |

```
Page 63
           Okay.
       Q.
1
    A. Roughly.
           And it was loud?
3
       0.
           Yeah.
       A.
4
            Okay. And then how do you know the
5
   officers' names to be Felmon and Devine?
            It's on their badge.
7
       Α.
       Q. Okay.
8
            That's the first thing -- you know, I
9
  mean, you look, it says -- you know, says Devine;
11
   it says Felmon.
  Q. Okay.
A. It's right there.
Q. Okay. And have you had any
15 interactions with these officers prior to this
   incident or after?
16
            I've seen Officer Devine a few times at
17
       A.
   a -- I'm with the Mount Greenwood Chamber of
18
   Commerce, so I've seen him at annual events.
19
20
          Was this before or after?
21
  A. After.
   Q. Okay.
22
   A. So 2015, 2016, you know, in that.
23
   Officer Felmon, I've seen --
24
```

| 1 | Q. Okay. Hold on. | Page 64 |
|----|---|---------|
| 2 | How many times have you seen h | nim? |
| 3 | A. Devine? | |
| 4 | Q. Yes. | |
| 5 | A. Twice. | |
| 6 | Q. Okay. Have you spoken to him dur | ring |
| 7 | that time? | |
| 8 | A. No, no, no. After something like | e this, |
| 9 | no, there's no need. | |
| 10 | Q. Okay. And he didn't come up to s | speak |
| 11 | with you either? | |
| 12 | A. No, no. It's you know, it's o | one of |
| 13 | these events in August, and they have it thro | ough |
| 14 | the Chamber of Commerce, all the vendors are | out |
| 15 | there, and he just happened to be on duty mak | ing |
| 16 | his rounds. | |
| 17 | Q. Okay. And now Felmon? | |
| 18 | A. I've seen Felmon at a CAPS meetin | ıg. |
| 19 | I've been at a few of the CAPS meetings after | this. |
| 20 | Q. Okay. | |
| 21 | A. Because I've had and I have a | whole |
| 22 | file, which you had asked my mom, it's ridicu | lous, |
| 23 | all on the complaints we had last year. I ha | ve a |
| 24 | thick file of all the complaints. | |
| | | |

```
Page 65
          Q. The complaints that you and your mother
 1
    have filed?
 2
              Yeah, because of the ringing of the
 3
          A.
    doorbells, the rocks on the windows. It just goes
 4
    on and on and on. It's ridiculous. I didn't
 5
    realize until I looked.
 6
 7
                   But we met Sergeant Egan. He's
    over there at the 22nd District, and we spoke to
 8
    him and --
 9
10
          0.
                I'm sorry, Sergeant Egan?
11
          A.
               Egan, yeah.
               How do you spell that?
12
          Q.
13
               E-q-a-n.
          A .
                Okay. And how many times have you seen
14
          Q.
15
    Felmon at these CAP meetings?
16
          Α.
                Twice. I think he -- and he has a
17
    different partner now. It's not Devine. I don't
    know who his other partner is, but yeah, he's
18
19
    usually there for Beat 2211. That's our beat,
20
    22nd District, Beat 2211. And then he's there with
    his other partner, I don't know who he is or what
21
    his name is, and he's representing the police.
22
23
          Q.
             Okay.
24
          A .
                So ...
```

```
Page 75
   so we can resolve this.
1
           And at that point when my mom said
2
   again, you know, Well, it's all a lie; he said, you
3
   know, my son threatened to kick his ass, that's not
4
   true, because he was blowing the snow.
    At that point -- Officer Felmon was
   very, very frustrated. And at that point, Officer
 7
   Felmon said, Why don't you shut up and go in the
8
   house, you know, and if -- if you don't keep it
9
   down, then I'm going to go into your house.
10
11
         Q.
              Okay. Hold on.
12
         A.
              And at that time, I'm --
              Hold on, hold on. You'll get to say
13
         Q.
   everything.
14
15
         A.
              Sure.
             We just need to kind of break it down
16
        O.
   just like we did a couple days ago with your mom.
17
                 You said that Officer Felmon got
18
   frustrated. How did he portray that to you?
19
   A. By just what he said.
20
    Q. Okay.
21
    A. And his tone. And he actually posed it
22
23 towards my mom. Because he -- he was frustrated.
24 You could tell by his tone and his body language
```

```
Page 76
   and the tone of his voice. He said, Hey, you know,
1
   you need to calm down; and if you don't, you
   know -- you know.
3
4
   Q. If you don't, what?
       A. I think he said shut up. If you don't
5
   shut up, then I'll go into your house, and I can go
7
   and I can.
Q. Okay. Did he say anything else at that
  point?
10
     A. No. And then I responded.
           Okay.
11
       Q.
12
           And --
       A.
Q. Sorry. Hold on.
14
              How did your mom respond to that, if
  at all?
15
  A. She was like, you know, just said
  nothing, but she -- her expression was she was
   taken aback.
18
   Q. Okay.
19
20
           At that point, I could have said to
21
  him -- what was going through my mind was, Dude,
22
  you don't have a warrant. This is going through my
23
  mind, but that's not what I said because I knew
   this was not going the right way, and I was like,
24
```

```
Page 77
1
    So I had said to him, Well, you know
   what, I'll calm her down, you know, I'll calm her
3
   down, you know. I didn't say, You can't do that.
5
   Obviously, he can't do that. He doesn't have a
   warrant and he shouldn't make those types of
   threats, those types of intimidating, strong-arm
7
   tactics, which he was, no doubt about it.
8
9
   So I responded and said, Well, you
   know, I'll calm her down.
10
   Q. Okay. Had your mom been yelling and
11
   being loud before then?
12
   A. No, no. She was just emotional, you
13
   know. This isn't yelling. She's very emotional.
14
    Q. Okay. And what do you mean by
15
   emotional?
16
   A. Well, she's very emotional in terms of
17
   her tone, her body language, because of the
18
   situation. You know, she's upset that, first off,
19
   the snow was being blown on her property. And,
20
   remember, there's a history here. Mr. Hosty,
21
   William Hosty, has been doing this for three to
22
23
   four years. He comes three to four years at 5:30,
24
   6:00 o'clock, and it's the same MO, blowing the
```

```
Page 78
 1
   snow over the fence and what have you.
   And when she confronted one time
 3
   before, which I had mentioned, he -- which was --
   this was 2014. I think it was 2012, she mentioned
   this to him before. And he kept saying the word,
   F, F, F, like for three minutes straight. So they
   have a history here, okay? I didn't really get
   into that.
   So the thing is is when he made --
 9
10
   not only was blowing the snow, but then made a
11 threat against me saying that I threatened him, my
12
   mom's upset; she's emotional. So when she, you
13
   know, made her comments, she said, No, you know, he
14
   blew the snow, he don't even live here, he's the
15
   neighbor's son -- father, and my son did not
16
   threaten him.
  Q. Okay. So this other instance that
17
18
   you're referring to with William in 2012 --
19
   A. With my mom. Oh, that was bad, yes.
20
   Q. Did you witness that?
21
    A. No.
  Q. And when you're saying that he was
22
23
   saying F, F, F, are you referring to the F-word, so
   f-u-c-k over and over?
24
```

```
Page 79
                Yes, oh, yeah.
 1
          A.
 2
          O.
                Okay.
                In his frustration.
          Α.
 3
                Okay. So what happened with that
 4
          Q.
    incident?
 5
                As I said, she approached him as far as
 6
          Α.
    where he's blowing the snow, and he responded in
 7
    frustration and just said, I'm fed up with you, and
 8
    then he just walked away from her and proceeded to
 9
    do what he did, and he said the F-word numerous
10
11
    times.
            So that's ...
12
          Q.
                And did anything else come about?
13
          Α.
                No, no, not -- nothing came about.
14
          0.
                Okay.
15
          A.
                So what he would do is -- 2011, 2012,
    I'm trying to remember. Around that time.
16
    point is he started coming around earlier. At the
17
18
    time he was doing the snow maybe between 8:00 and
    9:00, then he started stepping it down to 5:00 to
19
20
    6:00, so he can avoid it --
21
          Q.
                Okay.
                -- do what he wanted to do.
22
          A .
                Okay. And did your mom call the police
23
          0.
    about that event or make a complaint about that
24
```

```
Page 91
         -- be quiet or else he's going to go in
1
   the house. What happened next?
2
   A. What happened was then I said, you
  know, diplomatically said to Officer Felmon, I'll
   calm her down, that's not necessary. In so many
5
   words.
6
   Q. Okay. And did you say anything to your
7
   mom at that point?
8
           Yes. I said, Please go into the house.
9
    Q. And did she go into the house?
10
11
   A. No. She wanted to be a witness, which
12
   was a good thing.
   Q. Okay. Did she say anything in response
13
   to you?
  A. That, No, I'm going to stay out here.
  Q. Anything else?
   A. No.
17
   Q. - Okay.
18
  A. Not that I recall.
19
       Q. And then who spoke next?
20
21
    A. Then they basically -- Mr. Devine said,
   Why don't we come over and, you know, talk with
22
   Mr. Hosty and resolve this. So he engaged me, and
23
   my mom followed along, to talk with Mr. William
24
```

```
Page 92
 1 Hosty in regards to the situation.
 2
                And at that point, we were -- I was
 3
   on the sidewalk here on the end of the driveway, he
   was there, and we were all right in that corner.
 4
  Q. Okay. So plaintiff is motioning to
 5
 6
   Exhibit 2, and it looks like they were in the
7
   corner where John Hosty's driveway, the end of the
   driveway, meets plaintiff's house.
 8
9
   Is that correct?
10
      A. Meets the front sidewalk, right.
  Q. Okay. So then at that point, who was
11
12
   all in that area?
  A. The people I just mentioned. So
13
14
   Jennifer Hosty. They were on the side of -- no,
15
   John Hosty -- on that part of their property at
16
   11343. So it was Jennifer Hosty, Detective Scott
17
   McKenna. And then the complaint -- you know, said
18
   I made the threat on William Hosty. And then it
19
   was on -- kind of towards our area was Officer
20
   Devine, myself, Mr. Felmon, and my mom.
21
   Q. Okay. And then who spoke next?
   A. Officer Felmon.
22
23
   Q. Okay. And what did he say?
24
   A. Well, actually, no. The first person
```

```
Page 93
 1
   that spoke was William Hosty.
            Okay. And what did he say?
2
3
        A. He said that, you know, I was blowing
   my snow; this guy threatened to kick my, you know,
4
   a-s-s. He said, My grandkid says this quy's a
5
   six-four monster; he's afraid of him. He goes, you
6
   know, This ain't right.
7
   So he pleaded his case as far as,
8
   you know, posing a picture of me being a threat to
9
   the kids, which is ridiculous.
10
11
            Okay.
        Q.
12
        A.
            Never.
13
    So --
14
        0.
            Did he say anything else besides what
15
   you've just said?
16
   A. No, not that I recall.
17
        Q.
            Okay. And then who spoke next?
18
        A .
            Officer Felmon.
19
      Q. And what did he say?
20
       A. He never asked me again to state what
21
   we told him. He basically went right into his
22
   bullying mode, and he said, You need to
23
   apologize --
   Q. Okay. So when you --
```

```
Page 94
             -- immediately.
 1
        A.
        Q. Okay. You --
 2
3 A. Never heard my side. Never.
  Q. Okay.
   A. In front of him with the interaction,
   never. So he requested I apologize, Officer Tom
7
   Felmon.
  Q. Okay. So what -- what you were saying
9
   earlier, that he never asked what you said to him,
10
   you were saying he never asked you what you said to
11
   William Hosty; is that right?
12
        A.
             Yes.
             And -- okay. And you said bullying
13
        Q.
   mode. What do you mean by that?
14
15
        A.
             Very loud, very intimidating. His body
16
             The way he did it. He was using my mom
   language.
   as a ploy.
17
18
             What do you mean?
        0.
19
             Well, she was already rattled, as I
        Α.
20
   talked about, in terms of being emotional,
21
   flamboyant, as far as the situation. And when he
22
   said, You need to apologize for what you did, he's
23
   looking at her, and he's riling her up more because
24
   she -- she's upset anyhow. So she's at a volcano
```

```
Page 95
   pitch as far as erupting, as far as emotionally.
1
                So I responded, and I responded as
2
   diplomatically as I can.
3
   Q. Okay. Hold on.
4
    Do you think since -- if Officer
5
   Felmon was looking at your mom, do you think he
6
   wanted your mom to apologize?
7
              No.
8
        A.
           No?
        0.
9
              Because he -- what he did is he was --
10
   so he's looking at me, and he says, You need to
11
   apologize, and then he looks at my mom. Okay.
                                              So
12
   they -- let's be clear, he's looking at me to
13
   apologize, and then he's looking at her and, you
14
   know, kind of looked like, there's going to be
15
   consequences here, but he -- that's the way I felt.
16
         Q. Okay. And then how did you -- or who
17
   spoke next after that?
18
      A. Me, I did.
19
        Q. And what did you say?
20
              I said, you know, I apologize that the
21
   Chicago police had to come out and we couldn't
22
   resolve this as two gentlemen over something like
23
24
   this about the snow.
```

```
Page 96
 Q. And did you say anything else?
  A. No.
 3
            Okay. Who spoke next?
       Q.
 4
            And then Officer Felmon said, That's
  not good enough; you need to apologize to him.
   Q. And who was he referring to?
7
            Me.
       A.
       Q.
            When you said --
9
            Oh, him, Mr. Hosty. Yeah, sorry.
       A.
                                      So
   yeah.
11
  Q. Okay. And --
12
   A. So he -- he's pretty much at that
13
   point, you know, saying, Hey, you need to apologize
14
   to this guy.
15
   Q. Okay.
16
   A. Not knowing, in fact, this is an
17
   alleged allegation, and they're going to
18
   investigate. I understand they're police, but
   immediately he's taking their side, saying -- you
19
   know, Mr. Hosty's side, saying, You need to
20
21
   apologize.
22
   And he's saying that, and then he
23
   glances at my mom, and she's like really upset at
24
   this point. You can see her body language. Okay.
```

```
Page 97
1
        Q.
            Okay.
        A. So what's that going to make -- so then
3
   I responded.
   Q. Okay. So what did you say in response
   to him?
5
   A. I reiterated what I said in my original
   statement, I apologized the police had to come out
7
   for this situation and we couldn't resolve this as
   gentlemen over the snow.
9
        Q. Okay.
10
   A. And I'm trying -- at this point,
11
12
   I'm trying to be diplomatic because I know I'm
   in trouble. I see Scott McKenna there, a
13
   detective. I see this quy. I know all the
15
   stuff I've been involved -- I'm like, This is --
   I'm thinking -- I'm just giving you the thoughts of
17 my mind.
18
  I'm thinking, I'm in trouble here,
   they're going to nail me anyway. I don't -- this
20
   is a set up. This is what I'm thinking. Like,
21
   This ain't right.
22
  So I -- so I was hoping that that
   would be good enough, but I knew it wasn't. But at
   this point I knew I wasn't going to admit to
```

```
Page 98
   something I didn't do.
 1
2
   So I responded, as I said, second
   time.
 3
    Q. Okay. And what did you say the second
   time exactly?
 5
   A. Just, as I said, I apologized. I'm
7
   apologetic that the police had to come out; we
   couldn't resolve this as two gentlemen over the
8
 9
   snow.
10
              Okay. Then what happened?
         0.
    A. At that point, Officer Felmon, he got
11
12
   loud. He said, Come -- you got to apologize,
13
   apologize. He goes, That's not good enough. He
14
   goes, If you don't apologize, I'm going to have to
   arrest you.
15
   And he started -- and then he was
16
17
   twirling his handcuffs, and he riled her up. And
   he was like this, and he had a -- oh, wait. Hang
18
   on a second. Wait. I missed something. Excuse
19
20
21
                 After I said the statement the
   second time, Mr. Hosty made his comment. He was in
22
   the driveway there and towards the sidewalk where
   it meets. And he walked two feet back and forth,
24
```

```
Page 99
   and he goes, Apologize for what? And he was very,
   you know, confident in himself. He goes, Apologize
   for what? Apologize for threatening me.
                 You know, and he's like -- so he's
 4
   mocking me to apologize, knowing that he has the
 5
   full support of Officer Felmon and Devine following
 6
   along.
 8
         Q. Okay.
              So that was what he said, what's his
 9
   name, excuse me, William Hosty. So that was his
10
11
12
                 And then Officer Felmon said, you
   know, Apologize, you got to apologize. And he got
13
   loud, and he said -- and he was twirling the
14
   handcuffs, looking at my mom. He goes, If you
15
   don't, we're going to have to arrest you, you know.
16
17
              Okay.
         0.
18
         A. And he -- he started -- and my mom
   screamed, and she was beside herself. And she
19
   goes, Oh, she goes -- she was like, Apologize?
20
   didn't do it. Apologize? She just -- you know, he
21
   broke her.
22
  And I didn't appreciate what he did
23
24 to her as far as the mental anguish, trying to use
```

```
Page 100
 1 her as a ploy against me. And then I responded.
Q. Okay. So when you said that he was
  twirling his handcuffs, what hand was he twirling
 3
 4 them in?
 5 A. Right hand.
6 Q. And how was he twirling them?
 7
       A .
           Like this, like a little bow, you know.
       0.
         So he held them out with --
 9 A. Yeah.
10 Q. -- one -- like his index finger?
11
       A .
         Yeah, you know, or two fingers, and
12
   he's like this, you know.
13
   Q. Okay. So his first two fingers, so his
   index and his second finger, and he --
14
   A. Yeah.
15
   Q. -- was twirling --
16
           Yeah, like this.
17
       Α.
   Q. -- them around in the air?
18
   A. Like this, like side to side, like
19
   that.
20
  Q. Okay. And was Officer Devine doing
21
22
   anything at this time?
23
  A. He looked like he didn't want to be
24
   there, so -- but he -- he -- but he went with the
```

```
Page 101
   program, you know. He looked and he just was like,
 1
   you know, and that, like I said, the lead officer
   here was Officer Felmon.
 3
   Q. Okay. And then after your mom
    screamed, you know, apologize, he didn't do it,
 5
    what happened next?
   A. I basically said, you know, I can't
7
    apologize for something I didn't do or say and, you
8
    know, I can't apologize to him for that because I
 9
    didn't say it.
            Okay. And what happened next?
11
         0.
   A. At that point, then Officer Felmon
12
    said, You're under arrest. Officer Devine -- which
13
14
    I didn't resist. So as soon as that happened, it
15
    was like they -- they were kind of surprised. I
    kind of got the impression they were trying for me
16
    to resist arrest, my opinion.
17
    And I immediately put my hands
18
    behind my back, you know, so I'm showing no resist,
19
    which they put on the report no resist. And then
20
    Officer Devine just kind of held my arm like this,
21
    which was unnecessary really, but he did. And then
22
    Officer Devine was the lead officer that handcuffed
23
24
```

```
Page 102
 1 Q. So Devine handcuffed you and held
 2 your --
 3
        A.
            No. Felmon handcuffed me. And if you
   look, when I sent you the exhibits, Kelly, there's
 4
   Exhibit 1 through 6, and there's 12 pages on
 5
 6
   Exhibit 1, and that's the Chicago police report,
 7
   and on page 8 of 12, it clearly shows in the report
8
   that Officer Felmon is the first arresting officer
   and Officer Devine is the second.
 9
10
        Q.
            Okay. Well, I just want to know what
11
   you know.
12
   A. Yeah, but that -- that's what I recall
   as well.
13
14
   Q. Okay. And then you mentioned that
   Devine put his -- one of his hands on your upper --
15
16
   A. No.
17
       0.
            -- left --
18
   A. He just kind of went like this, you
19
   know, kind of -- which he was -- they were kind of
20
   surprised, because as soon as it happened, boom.
21
   I wasn't going to resist. I wasn't going to give
22
   them a reason to do anything other than what they
23
   said they were going to do.
24
              But they didn't read my Miranda
```

```
Page 103
1
  rights.
2 Q. Okay. Hold on.
   So Officer Devine put one of his
3
  hands on your upper left forearm; is that right?
   A. No. Say right here. Yeah.
   Q. By your elbow there?
6
   A. Yeah. Just kind of -- just like real
7
   quick for a brief second, and then he let go.
8
  Q. Okay. And were you injured during
9
   that? Were you physically injured when he did
10
   that?
11
  A. I suffered multiple injuries. No, I
12
   didn't. I didn't. No.
13
   I know I shouldn't -- no. There
14
   were no injuries. And I put that on the report,
15
   there were no injuries. As far as physical
16
17
   injuries, no.
18
       0.
            Okay. So when you said you suffered
19
   multiple injuries, were you --
   A. I didn't.
20
         -- being sarcastic just now?
21
   0.
22
       Α.
           Yes, yes.
    Q. Okay.
23
            And the thing is, let me be frank here,
24
       Α.
```

```
Page 104
 1
   this is a serious thing. Okay. I'm not only --
   you know, I'm not only suing because of the money.
 2
   I'm suing because of the -- I feel this is an
 3
 4
   injustice. And if this can occur to me, it can
 5
   occur to anybody. Okay. So I'm clear as far as in
 6
   the report and the information, and I know you want
 7
   to get my testimony. No. I didn't suffer any
   bodily injuries. None whatsoever. No.
   Q. Okay. Were both of the officers in
 9
10
   uniform?
11
         A.
              Yes.
12
   Q. Okay. And do you remember what they
13
   looked like?
   A. Well, now, Officer Devine is about five
14
   ten, medium build. He's got a full head of hair.
15
   He's got no facial hair. And he's got a touch of
16
   gray on his -- you know, on his hair.
17
18
   Q. Then how about Felmon?
19
         Α.
              Felmon, little taller, maybe five
   eleven, little more weight to him, maybe medium to
20
   large build, black hair, side combed, no facial
21
22
   hair.
23
              And where was their vehicle parked
```

during this?

24

```
Page 105
 1
          Α.
                Across the street. It was adjacent to
    the property. So it was about two houses up
 2
 3
    adjacent on the other side of the street. And it
    was a squad, a CPD squad car.
 4
 5
          Q.
                Okay.
 6
          A.
                Minivan, like a minivan.
 7
          Q.
             So if you're looking --
          A.
             Here, let me show you here.
 8
          0.
 9
                Okay.
                So if you look here -- yeah, this is
10
          A.
    probably -- so Exhibit 3 is probably the best
11
    indicator. So if you cross the street here, then
12
    you go two houses north, they were parked right
13
14
    there.
15
          0.
             Across the street.
16
          A.
                Across the street and then two blocks
17
    further north of the Hosty residence.
18
                Okay. So if you're looking outside
          0.
    your front door to your house, they would be to the
19
20
    right side, right?
21
                Yes, going north. And it would be
22
    three -- there's a side street there, so they
23
    intersected with that side street on Millard, and
24
    they were in front of that -- that property.
```

| 1 | Page 119 A. Yeah. |
|----|--|
| 2 | Q. Okay. Who said it first? |
| 3 | A. I believe Felmon and then Devine said |
| 4 | it. |
| 5 | Q. Okay. |
| 6 | A. But then I started talking to them on |
| 7 | 111th Street, so we're on that the house where |
| 8 | we pulled away from is on Millard. Millard is |
| 9 | maybe a half we're about two blocks off of the |
| 10 | main street, which is 111th Street. Once we got |
| 11 | onto 111th and Central Park Avenue and we started |
| 12 | to proceed east towards the police station, which |
| 13 | was only a few miles away, we were talking after |
| 14 | they made that statement. |
| 15 | And we're talking about Demon Dogs. |
| 16 | There's a place on 116th and Pulaski 11600 South |
| 17 | Pulaski in Alsip, called Demon Dogs. And Officer |
| 18 | Felmon said, Yeah, I was over there; they got the |
| 19 | best hamburgers. And I'm thinking to myself, Well, |
| 20 | first you say you're from the North Side, but then |
| 21 | you know where all the feeding holes are. So I'm |
| 22 | thinking, Okay, fine, just you know, and I'm |
| 23 | nervous, and I'm talking to them and stuff like |
| 24 | that. And they seemed okay at that point as we're |
| | |

```
Page 120
 1
   going to the police station.
 2
          And I said, Yeah, I know some
3
   coppers. I know Officer Gene Griffin. And they
 4
   were a little like, Oh, really? So, you know,
   letting them know I know some officers. And not
 5
 6
   just let them know, You're in trouble, I know some
   officers, I'm just saying, you know, kind of making
 7
   conversation. I'm a regular guy caught up in this.
   Why am I caught up in this?
10 Q. Okay.
11 A. You know, I'm a guy from the
12 neighborhood. You know, why?
Q. So was that the first thing that was
14
   said in the car other than the North Side comment
   by Felmon, it was about the Demon Dogs?
15
16 A. I believe so, yeah. Well, I said
17 something like, I'm from the -- and then we got in
18 the thing as far as hamburgers and Demon Dogs.
19 Q. Okay. So how about you tell me, best
   of your recollection, everything you said to them
20
21
   and everything they said to you on the way to the
   station?
22
23
  A. That's basically it. You know, I mean,
   perbatim [sic], I couldn't tell you perbatim, but
24
```

```
Page 121
 1
   basically they said they were from the North Side.
 2
   And then I basically told them, you know, I know
   some other officers in the neighborhood, you know,
 3
   Gene Griffin, whatever. And then we started
 4
 5
   talking about food.
    And then we got to Demon Dogs, and
 6
 7
   Felmon mentioned Demon Dogs, Yeah, I was just over
   there, I like going over there, you know, they got
 8
 9
   some good hamburgers, so on and so forth.
10
   And, remember, it's a short distance
11
   to the police station. You're talking once we hit
12
   111th and Kedzie, and they're telling me they're
13
   from the North Side, you go one more mile to
14
   Western and then a half mile down the hill and
15
   you're at the police station. So it's only like
16
   three, four minutes away, so, you know, there isn't
17
   really a lot of time to engage in conversation, you
18
   know.
   But that -- that's pretty much the
   way it went until we got to the side door of the
20
21
   22nd District police station.
22
    Q. Okay. What happened when you arrived
   at the police station?
24
    A. They opened the door.
```

```
Page 122
Q. Who did, which officer?
2 A. I think it was Felmon. Because he was
3 the closest. He was, you know, right in front of
   me there. So opened the door. I skimmied out. We
   went through the side door, and then they --
6 Officer Felmon -- Officer Devine went to -- there's
   a holding cell.
   So Officer Felmon, before he put me
   in the holding cell, he took -- he took off my
   shoelaces because I guess, you know, people hang
11
   themselves, unfortunately. And then he -- my
12
   sweater, he cut off the string, you know, those
13
   strings. He -- actually, he didn't let me -- no,
14
   no. Actually, I didn't have a sweater. I had a
15
   t-shirt. So he cut off my shoelaces. I had wet
16
   socks on, wet pants, a wet t-shirt. And then I
   went into the holding cell. And that was a little
17
   after 7:00 o'clock, 7:05.
18
   Q. And what were your clothes wet with?
19
20
  A. Well, when they came -- because there
21
   was a short distance from the time we made that
22
   call, the second call, and went in the house. So I
   didn't have a chance to change into dry clothes.
23
24
         Q.
              Right, but what -- what were the
```

Page 123 clothes wet with to begin with? 1 Oh, because I was shoveling snow for 2 3 three hours. I was snow blowing and out -- you 4 know, I was out there for three hours, you know, from 3:00 to 6:00 or 3:30 to 6:30. So, you know, 5 all the snow. You blow the snow, you shovel the 6 snow, it keeps getting on you. It melts, your 7 clothes get wet. So from removing the snow 8 earlier. 9 10 Q. Okay. A. Yeah. 11 And then -- and then other than the 12 0. shoelaces, did Officer Felmon do anything else with 13 your attire? 14 No. He just put me in the cell and --15 the holding, they call it the holding cell, and 16 17 that was it. Okay: Where did you -- where did you 18 last see Devine at this point? 19 20 Once we went through the side door and then we got to the area where the holding cell, 21 he -- you can see through the holding cell to the 22 left there's a bunch of desks, and I assume that's 2.3 probably where the officers make up their reports. 24

```
Page 129
1
   and throw you in there?
2
        Α.
            No. He just basically walked me there
   and -- on my own accord, reluctantly cooperated,
3
   and went into the cell.
4
   Q. Okay.
5
       A. Yeah. So ...
            And did -- did you have any
7
        0.
   conversations with any officers during that time?
  A. No.
   Q. All right.
   A. I think during the time from 8:40 to
   11:10, I just -- I mentioned them to open the door
12
   because I was getting claustrophobic, you know,
13
   just I was really claustrophobic and kind of
14
   hyperventilating, but then, you know, I had to
15
   compose myself. And at times, you know, you'd have
16
   an officer, I don't know who, not Devine and
17
   Felmon, walk by and make their rounds. He probably
18
   heard it all, and he's, Yeah, it'll be okay,
19
   they'll come get you. And they walked away. I
20
   don't know who he was.
     So that was it until I -- they let
22
   me out at ten after 11:00. So I was in there for
23
   two and a half hours.
24
```

```
Page 130
 1
              Okay. What did you say to the officer
   that was walking by?
   A. I just said, Hey, I'm getting a little
   bit claustrophobic here, you know, can you get some
 5
   air here? And he's like, Yeah, you'll be okay,
 6
   and just walked by, you know. Really -- you know.
         Q. Okay.
 7
  A. Because when I was in the cell, it
 9
   reminded me of high school when people take wet
   toilet paper and they throw it. And there was
10
   toilet paper that they thew on the heating vent,
11
   and they threw so much toilet paper that it was all
12
13
   over the heating vent, so there was practically no
14
   heat coming in there and ventilation because it was
15
   all clogged up with toilet paper. So they might
16
   want to think about hiring a better cleaning lady
17
   in those cells.
18
   And that's why I was like, Oh, my
19
   goodness, I'm nervous, can I breathe, you know, is
20
   this inhabitable to live -- you know, to be in here
   for the time. So that's why I made that response,
21
22
   that plea to that officer walking by. And, you
23
   know, he's just like, Yeah, yeah, you'll be okay,
24
   they'll come get you.
```

```
Page 131
    Q. And was this toilet paper in your cell?
1
2
        A.
             Yes. It's -- you know, you figure
   we're sitting right here, this is -- and then up in
3
   the top part of the cell where the heating system
4
   is, the vent, it's all clogged with toilet paper.
   Terrible.
6
7 Q. Okay. So it was in the ceiling?
8 A. No. It was on the wall, the top part
9 of the wall.
10
        Q.
             Okay.
  A. The top part of the wall is where the
   heating duct comes out.
12
   Q. And did you try to remove it?
13
        A. Couldn't reach it.
14
15
    Q. Okay.
            Probably a cell, you're looking,
16
   12 feet up. I'm tall, but I'm not that tall.
17
   Yeah, I can't get to that, nor would I make an
18
   attempt.
19
           Okay. What happened next?
20
   A. They -- at ten after 11:00, they said,
21
   Somebody posted bail, you know, bond for you, and
22
   they let me out.
23
   Q. And who came to get you?
24
```

```
Page 132
 1 A. My mother came accompanied with my
 2 brother Dan.
 Q. But which officer came to get you from
  the cell?
  A. It wasn't either Devine or Feldman.
   And I don't recall. It's on the report. So I
   don't know. It was -- like I said, it's on the
 7
   report whoever released me and walked me to the
   front. So whoever was on duty at the 22nd District
 9
   at the time.
10
  Q. Okay. And then did you have any issues
11
12
   with the person that walked you out of the cell?
13
       A. No. I actually was excited to follow
   them out of the cell. Yeah, so yeah.
14
15
        Q. Okay. And then did you get your
16
   belongings back?
17
   A. Yes. They gave me the evidence bag.
18
   And, like I said, with the evidence bags here, said
19
   on there Dan Dewar.
        Q. Okay.
20
21
  A. You need to see a copy where it says
22
   Dan Dewar? Since we're at that point, I kept you
23
   one.
        Q. I think you sent it to me. Did you
24
```

```
Page 133
   already send it to me?
 1
2 A. You know what, it's in the paperwork.
   You know, it says Dan Dewar. It's in one of the --
   I think it's Exhibit 4, and then somewhere in
4
   Exhibit 4 there's like 12 pages. It's one of the
5
   pages that shows Dan Dewar.
6
7
   So when they did give me my
8
   possessions in the evidence bag, it did say Daniel
9
   Dewar instead of myself, David Dewar. So ...
   Q. Okay. And why is that significant to
10
11
   you?
12
   A. Because in the file, I put in there my
13
   cellphone records, and I took what they call a
14
   Photoshop, which you've probably seen, and it shows
   I called at 6:26 to Chicago police station,
15
   312.745.0570. That's sick I know the number of the
16
17
   22nd District.
18
  But then they told me to call 911 at
19
   6:27. So it's on my phone. That's the Photoshop I
   put in my exhibit.
20
21
   But then when I got my cellphone
22
   back and I requested from T-Mobile my phone
23
   records, that call at 6:27 p.m. on February 17th,
24
   2014, was not on my phone records. Okay. So from
```

```
Page 134
   the time I went into the cell, which was about
 2 7:05, till the time I was released at 11:00, the
   cellphone was in the possession of the Chicago
   police.
 5
   So the question is, was there any
   correlation to them having that deleted? Thus,
 6
 7
   you've probably seen I subpoenaed T-Mobile for
   those records. So that's why it's relevant.
 9
       How did that thing possibly be
10
   deleted? I made the call. I had the -- I actually
   have a freedom of information record showing
11
12
   through the Chicago police I made the call. I have
13
   the audio I saved of the call, everything, where it
   says -- Chicago police said, Yeah, you made that
14
   911 call at 6:27, here's the transcript.
15
16
   But now it's not there when it was
17
   in the possession of the police. Is there a
18
   connection? I don't know. We'll find out. So
19 that's why it's relevant.
20
             So you think someone deleted it?
21
  A. Possibility of it, yeah. Could be.
22
   We'll find out.
23
  Q. How are you going to find that out?
        Α.
             Well, as best as I can. But the thing
24
```

```
Page 135
   is is it -- that's why I believe it's relevant as
   far as the cellphone, and I believe it's relevant
   in terms of the evidence bag.
4
      0.
          So how does that relate to the evidence
5
   baq?
   A. Well, I find it suspicious as anyone
6
   that when I was processed with all the paperwork,
7
   it clearly said David Dewar. Why would the
8
   evidence bag say Daniel Dewar? I don't understand
9
   why. You know, that's kind of a big mistake.
10
   Q. And you think that's evidence that they
11
   deleted a call from your phone?
12
             The reason why they misnamed it from
13
   David to Daniel?
14
   Q. I don't know. You think they purposely
15
   misnamed it? I'm just trying to understand what
16
17
   you think is going on.
             I think there's a possibility of that,
18
        Α.
   yeah.
19
20
   Q. Okay.
   A. I'm -- let's put it this way, if you're
21
   able to get everything right except the evidence
22
   bag with a different name and you clearly know I'm
23
   David because all the other documents say I'm
```

```
Page 136
   David, okay, and then all of a sudden my cellphone
 1
   that was in the possession of the 22nd District for
 3
   four hours is deleted, you know, you -- you need to
   think there's some connection there, or a
 5
   possibility of connection.
 6 So yeah. I can think that, but
   until I can prove that, it's something different.
   So ...
  Q. So why -- I'm just trying to
9
10
   understand, and maybe I'm just missing it. But so
11
   you think that the fact that your bag was labeled
12
   Daniel Dewar is linked to a police officer deleting
   a phone call from your phone?
13
14
              I don't know who deleted it. I don't
   know if it's a police officer. Could be someone
16
   within there or one of the two arresting officers.
17
   But that would seem the reason that there could be
18
   a connection, yeah.
19
         0.
              And what -- and try to connect that for
20
        Like what's the connection you see there,
21
   between the mislabeling of a bag or -- and someone
22
   deleting a phone call from your phone?
23
   A. Well, if it says Daniel Dewar, can it
```

be disputed then it's not David Dewar's bag, and

24

```
Page 137
   evidence in that bag? And then if the phone
   records, which I have in the file which you have
 3
   all of that, if it shows that I did make that call
 4
   to 911 at 6:27 pertaining to why this whole
 5
   incident happened with the snow, okay, that's what
   started the whole thing.
 6
   And remember, we go back to March
 7
   25th of 2014 when we went before the judge five
 8
   weeks after the accident, the judge was surprised
   to find out that this all started from the snow.
    That being the case, the evidence of
11
12
   making the 911 call, and the transcript shows that
   it was all initiated from the snow, not that I
13
   threatened Mr. William Hosty.
14
  So I believe there's a connection
15
   myself. Okay? That's the long answer, but I
16
   believe there's a connection.
17
18
        Q. Okay.
      A. I can't figure it out. How can --
19
20
   think from my perspective. I've got all these
   phone calls. I've been with T-Mobile for 15 years.
21
   I've made a few 311, 911 calls, and when this
22
   turmoil happens in my life, how -- why is this call
23
24
   deleted? And in -- when I'm in the possession of
```

```
Page 138
1
   somebody else, in this case the Chicago Police
2 Department. That is cause for suspicion of why.
Q. Okay. Did you talk to anyone at the
   police station about that suspicion?
5 A. No.
6
           All right.
7 A. What can I say to anyone? I can't
8 prove anything.
9 Q. Okay.
10 A. And I'm not going to -- you know, I'm
11 not going to make that accusation. You know, I
   don't know. No.
12
13
  Q. All right. Did anything else happen at
14
   the police station that we haven't discussed?
15
  A. I think there was somebody in the cell
16
   I was talking with.
17
       0.
           In the same cell as with you?
18
       Α.
               In another cell. It's -- I don't
           No.
19
   know if it's relevant, but since you asked. It was
   somebody in a cell, and I think the guy got
20
21
   arrested for petty theft, yeah. I shouldn't even
   talk with him. But, yeah, that was it. I had
22
23
   maybe a two-minute conversation with him. That
   was it.
24
```

```
Page 139
     Q. Okay. Do you know his name or --
 1
   A. No, I don't know his name. Just a
 2
   voice through the wall.
   Q. Okay.
 4
       A. Yeah. And that was it.
 5
 6
           Did anything happen during the arrest
       0.
   that we haven't talked about yet?
   A. You mean from the time I was arrested?
       Q. Yes.
9
   A. In front of my house?
10
11
   Q. Yeah.
    A. No.
12
13
   Q. Okay.
   A. That's everything I recall.
14
           Okay. Any other conversations you had
15
       Q.
   with your neighbor or the police officers that day
16
17
   that we haven't discussed?
   A. No.
18
     Q. Okay. Where did you go after you were
19
   released from the police station?
20
   A. I went home. My brother Dan was the
21
   primary driver. I was in the passenger seat.
22
23
   After my mom -- it was $120 cash, 10 percent of a
   $1,200 bond. And then my brother Dan, like I said,
24
```

```
Page 140
   drove. I was in the passenger, and we went -- I
 1
   went home, and he left. That was it. I went in.
 2
 3
         0.
               Okay. Was your mom in the backseat?
         Α.
               Yes. My mom was in the backseat.
 5
            Did you ever appear before a judge
         Q.
   after your arrest?
 7
         Α.
              Yes. There was -- because the arrest
   was on February 17th, 2014, and as I stated, we
 9
   went before the judge March 25th of 2014. And that
10
   was the 35th branch, 7 -- 27 East 111th Street.
11
   That's where we appeared with Mr. Hosty, the
   state's attorney. I hired a guy named Larry
12
   Liebforth, which was absolutely useless, and then
13
14
   my mom. And that's when we appeared before the
15
   judge.
   Q. Okay. And what happened in relation to
16
17
   that case?
18
         A.
              Not good. What happened was I met --
19
   went with my mom, and I met Attorney Larry
2.0
   Liebforth at the courthouse. He showed up late a
21
   few minutes. We -- he went from the courtroom to
22
   the front to talk with the state's attorney
23
   representing -- I don't know her name, Panici. It
   was an Italian a name. She represented William
24
```

```
Page 141
   Hosty. He came back a few minutes later.
 1
2
     We went to the back of the court
   into the -- the meeting area. And he said this,
 3
4
   We're not going to apologize, and we're -- we've
5
   agreed to admonish the case. It was very vaque and
 6
   ambiguous. What do you mean by admonish? You
 7
   know, I'm not going to admit -- you know, I'm not
   quilty. Am I -- is this case going to be
8
   dismissed? You know, so on and so -- he goes,
   We're going to admonish.
10
                 So as he was doing that for about
11
   three minutes, the bailiff knocked on the door. He
12
   quickly raced to the front to meet the judge
13
   through the gates. I quickly followed him. And
14
   then my mom proceeded, and they cut her off. They
15
16
   didn't let her go through.
   Q. But she was in the courtroom, right?
17
   A. She was in the courtroom. She sat in
19 the front there and -- you know, in the court room.
20
   Q. Okay.
    A. So that's when he started, you know,
21
   with the judge. And if you want me to go through
23
   the -- you want me to go through it?
24
   Q. Well, what was the result of the case?
```

```
Page 142
 1
        A. The result of the case was that
 2 Mr. Hosty proceeded he didn't want to file charges,
 3 but my attorney -- the judge basically on the
   transcript, which he never said, okay, he said, Did
   you apologize? And I said, Yeah, I apologized for
   the police coming out.
  On the transcript, which really
7
   frustrates me, it says, The judge says, Well, I'm
   giving you a World Series break, referring to me,
10
   I'm giving you the moon, the stars, the sky -- I'm
   like, He never said that.
11
12
   Anyhow, Mr. Hosty never proceeded.
13
   He testified, I just want peace. At the end of it,
14
   instead of dismissing the case -- and my attorney
15
   didn't even represent me really -- they didn't have
16
   it dismissed. It should have been dismissed.
17
   It ended up going SOL, stricken off
18
   with leave to reinstate, 90 days. It should have
19
   never done that. It should have never done that.
   It should have been dismissed. So it went SOL
20
21
   90 days, which it should have never. Because he
   never testified, it never happened, but it wasn't
22
   dismissed.
23
So at the end of all this, the
```

```
Page 143
   state's attorney -- or assistant state's attorney,
   said, Yeah, we're requesting an SOL. I didn't know
3 this. This is all new to me until afterwards.
  My attorney instead of saying, Well,
   based on him not testifying, this never happened,
5
  I'd like this dismissed. He never did that. So it
7 was SOL.
8
       Q. Okay.
9 A. And then at the end, I said to
10 Liebforth, Well, do I get a document? And he goes,
   Oh, no, you don't need a document. He goes, You
11
12 can go downtown and get it.
13 Q. Okay.
A. And I was like, No, no, no. I was
15 like -- and I go, Do I need to pay you? And he's
16 like, Oh, you don't need to pay me. And I'm
17 thinking, Wait a minute, you know. So he left.
  And then I stuck around and said, Do
18
   I get some kind of paperwork validating that this
19
20
   happened? And they're like, Well, yeah, right
   there. He's out the door. He lied to me. He
21
   misinformed me.
22
  Q. Did you sue the attorney?
23
24
   A. No, no, no.
```

```
Page 144
 1
    So what happened was I got the
   document. They notarized it. I went to his office
 3
   on 95th and Pulaski. He's up on the second floor.
   And I didn't realize until I researched him that he
   actually -- his wife, Panozzo, she is a judge in
 5
6
   Markham. She's since retired. And she has been
 7
   backed up by the Fraternal Order of Police Local 7.
   So he's hooked up to the police.
 9
      And I couldn't understand why he did
10
   what he did. That might have cleared some things
   up.
11
12
                 But anyhow, I went to see him on
13
   95th and Pulaski, and I said to him, Yeah, Larry,
   you ran away, I owe you some money. And I said,
14
15
   Yeah, you were wrong about that, they gave me a
16
   copy of this, and it was SOL. And he looked really
17
   worried. And he was like, Oh, okay. I said, Yeah,
18
   so what do I owe you? $275. So I said, Can you
19
   write out a receipt? And he wrote it on the back
   of a business card. And I said, Larry, that's not
20
21
   a -- can you do like a regular receipt? So anyhow,
22
   he did it on a regular receipt, and that was it.
23
           But just for the record, in the next
24
   few days I'm going to file a complaint against him.
```

```
Page 145
    I haven't, but I'm going to. So I'm going to file
    a complaint against him for his misrepresentation.
   You'll be -- you'll see it anyhow in the file. So
    I believe that he did not -- you know. I'm going
 4
    to -- with the ethics bureau of attorneys, I forgot
 5
 6
   what it is, but I'm going to file that because I
 7
    feel that he did not represent me as well as he
 8
   could.
 9
                 He specifically told my mom not to
   show up. And when my mom was there, he was like,
10
   Why did you bring your mom? And I'm convinced if
11
   my mom was not there to clarify that this whole
12
13
    thing happened about the snow, that this judge
14
   would have maybe stuck it to me. I may not have
15
   gotten the SOL. That's the way I feel.
16
    So based on the lack of
17
   representation in front of the judge and the
   misinformation as far as getting the SOL document
18
   and the other things, I'm not very happy with, you
19
20
   know, my representation of Mr. Liebforth.
21
    Q. Okay. Did you ever pay him?
22
         A. I paid him.
   Q. Okay. And you think this is because
23
24
   his --
```

```
Page 146
1 A. I don't know. I don't know. I don't
2 know.
3
   Q. Okay. Well, let me ask the question.
A. Sure.
5 Q. Do you think this is because his wife
   is a judge and she's being backed by the Fraternal
 7 Order of Police?
             Fraternal locally. Possibly.
 8
   Q. Okay.
  A. You know, this is not -- you know, this
11
   is not typical behavior of an attorney representing
12
   a client. At least I don't think it is. I'm not
13
   familiar with it. So yeah, I mean, this -- that's
   why I'm going crazy here. It's like everywhere I
15
   turn.
         So, you know, I -- I had applied for
16
17
   a conceal and carry license, but that was denied
   because of this simple assault too, which I put in
18
   there, which is very frustrating too. But I don't
19
20
   know if there's a -- you know, I checked out, and
21
   there is a connection between him and the FOP, and
22
   that made me suspect there could be some
23
   relationship to the way he did not represent me.
24
   I don't know.
```

```
Page 147
        Q. Okay.
 1
        A. So it was SOL.
 2
 3
           What were you charged with as a result
        0.
   of this incident?
 4
    A. Simple assault.
 5
 6
        Q.
             Anything else?
     A. No.
 7
 8
            Were you ever told by the police what
        Q.
   you were being charged with?
 9
10
        A.
             No.
11
        0.
             And when was the first time you learned
   about the charges against you?
12
   A. Well, immediately.
13
    Q. Well, when did you first find out it
14
   was for simple assault?
15
16
        A.
             The paperwork was available ten days
17
   later, I believe. Well, you know what, let me
18
   recap. Because I was arrested on February 17th,
   which was a Tuesday, and I kept calling for the
19
20
   paperwork. And then they said, Well, you know, the
   paperwork's at 727 East 111th Street, which is
21
22
   Branch 35.
   So the 17th -- the 22nd, I believe
23
24
   it was five days later, I received the paperwork.
```

```
Page 148
   And then as I received the paperwork of all the
1
   details, it said simple assault. So five days
2
   later.
3
             I'm going to show you what's been
        0.
4
   marked as Exhibit 1. Could you please review that
5
   for me?
6
7
             Oh, this is just the interrogatory,
        A.
   right?
             Yes.
9
        Q.
10
        A.
             And as -- can I speak?
11
   Q. Um-hmm.
             As it says here on answer to
12
13
   interrogatory No. 6, those are the two contracts
14
   before Henry Hill and this Mary Fitzgibbons.
15
               Do you have the questions to these,
   the interrogatories?
16
17
   Q. Not with me. I just have what you sent
   back.
18
  A. Okay. The reason why I'm mentioning
19
20
   it, and I believe it's No. 16, you had asked -- and
   I was incorrect on it. You had asked have I ever
21
22
   filed bankruptcy or have I ever been involved in
23
   civil lawsuits, and I put none. I have. So I
   wanted to clarify that.
24
```

```
Page 149
                   I believe it's question 16. Let
 1
   me -- I have a copy here, so we can go through
 2
    that. Okay? I just want to make sure you --
 3
   because that was something that I wanted to recount
 4
   because I was inaccurate on my interrogatory.
 5
               Well, you can go ahead and write the
 6
 7
    correct answer on there.
              Okay. Give me a second here. I can
 8
          A.
    just attach -- here we go. Yeah. That was No. 16.
 9
10
                   Okay. Do you want to make copies of
    these? This is the civils as a plaintiff, as a
11
    defendant. It'd probably be easier. And this too.
12
    I'll attach this to No. 16.
13
          Q.
                Sure.
14
             Okay. That'll make it easier. Then
15
          A.
16
    I'll put
                So have you filed for bankruptcy?
17
          Q.
18
          A.
                No.
                Okay. So these are lawsuits that
19
          Q.
    you've brought?
20
                No -- yeah. I went to the circuit, and
21
          Α.
    it shows me civil lawsuits. You know, it's full
22
    disclosure. So it's -- you know, it's civil
23
    lawsuit as plaintiff, a defendant, and then one is
24
```